
Z-2222
BETSY BERLINGER & GUSTAVO RODRIGUEZ-RIVERA
R1 TO A

STAFF REPORT
January 13, 2005

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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners are requesting rezoning of a 7.5 acre tract located on the east side of CR 400 W so that they may keep livestock other than just horses, i.e. sheep, cattle and chickens, on the site. The property is located across from Moss Creek Subdivision and is commonly known as 2853 N 400 W, Wabash 10 (NW) 23-5.

ZONING HISTORY AND AREA ZONING PATTERNS:

This section of Wabash Township has undergone several successful rezoning requests over the last decade. Prior to the adoption of the transitional zoning maps in 1998, the site and surrounding land was predominantly zoned Industrial Reserve (IR). With the adoption of those maps the area took on Office Research (OR) zoning merely as a holding zone and was subsequently rezoned in consultation to Single-Family Residential (R1) or Agricultural (A) later that same year (Z-1808). Property adjacent to the north was rezoned to A shortly before the overall OR rezone and was therefore omitted from that request (Z-1788). Current zoning patterns adjacent to the site reflect these changes, with A zoning to the north and east and R1 to the south. R1 zoning, resulting from a 1984 request, is also west of CR 400 W (Z-1195).

A large tract 600' east of the site was rezoned to Industrial (I) under the repealed ordinance and became I3 with the adoption of the transitional zoning maps (Z-1554). A few General Business (GB) rezones were approved north of CR 250 N and east of the railroad tracks in the last decade (Z-1648 & -2066). The biggest change in the area came with the expansion of sanitary sewer service in the late 1990s. The residential rezones approved in 2000 south of CR 250 N were sparked by that expansion (Z-1920 – 1923 and Z-2131).

AREA LAND USE PATTERNS:

This site in question is a classic large lot rural residential homesite. The tract adjacent to the south was parcelized into four smaller lots in 1997 and a 4-lot minor subdivision is pending for the tract adjacent to the north. The Agricultural zone adjacent to the east is occupied by two single-family homes; the remainder of the land appears to be in row crop production. There are two single-family developments west of CR 400 N, Moss Creek and Carriage Estates. The residential rezones south of CR 250 N were developed into Lindberg Village residential development. East of the site, north of the county road, are several business uses that include a youth sports center and a utility company.

TRAFFIC AND TRANSPORTATION:

The site is on the east side of CR 400 N, which is classified as a rural local road. This request should not affect the site's access or transportation issues in this area.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The existing home is served by an on-site septic system, as are most of the older homes east of CR 400 W. Sanitary sewer services are just over 300' to the north.

STAFF COMMENTS:

Staff was first contacted by petitioners several months ago regarding horses, specifically, what type of uses associated with horses were allowed in the R1 zone. In discussing their question, staff noticed that portions of the horse section were unclear and made little sense. After doing research, staff proposed an amendment to clarify that section that resulted in allowing boarding and training horses by right in the R1 zone. Petitioners have now stated that they would like to be rezoned to A so that they may keep other farm animals on their property.

Staff feels that with the expansion of sewer and water services in this area, the already apparent residential trend will strengthen. A four lot parcelization was approved for land adjacent to the south in 1997 and a four lot minor subdivision is pending for A-zoned land adjacent to the north. Originally, the *Phased Land Use Plan* of the *Comprehensive Plan* showed a mix of open space, agricultural and current residential land uses for this part of the township; however, the expansion of sewer and water has changed the matrix used in the equation and now a residential future is projected. Staff feels that the current zoning is correct for this site based on the *Plan*, adjacent single-family homes and the pending minor subdivision. Rezoning this land to a zone that would allow livestock and the production and sale of livestock, whether that is petitioners' intent or not, makes little sense in this growing residential area and could lead to future conflicts with adjacent landowners.

STAFF RECOMMENDATION:

Denial